

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

TO: James Roberts, Division Chief of Fire and Life Safety – Westfield Fire Department
FROM: Fire Prevention and Building Safety Commission (Commission) Staff
DATE: January 13, 2022
RE: Commission Review of Ordinance No. 21-57 – Ordinance Amending Fire Prevention Ordinance of Westfield, Indiana – Staff Review Memo

The information contained in this memo is advisory only. Commission staff does not have the authority to approve or deny ordinances or other regulations adopted by a political subdivision that qualify as fire safety or building laws. The decision to approve or deny ordinances or other regulations is left to the Commission.

GENERAL INFORMATION

Political Subdivision Westfield, Indiana	Ordinance Number 21-57	Ordinance Type Fire Prevention
Date of Adoption January 5, 2022	Date of Submission January 12, 2022	First Commission Meeting February 1, 2022
Fire Safety/Building Law Fire safety law	Follow Template? No	Recommendation Deny

PROVISIONS THAT DUPLICATE, CONFLICT, OR OVERLAP WITH STATEWIDE CODE

The following is a list of potential defects identified between this ordinance and the state's building and fire safety laws:

#	Ordinance Citation	State Citation	Explanation of Defect
1	Page 1 item 3	IC 22-13-2-5(b)(2)	The first page of the ordinance which adopts Exhibit B provides that the "Ordinance shall be in effect upon it [sic] passage by the Westfield Common Council and any publication required by law." However, IC 22-13-2-5(b)(2) provides that ordinances containing fire safety laws are not effective until approved by an order issued by the commission or approved as the result of the commission not having issued an order approving or denying the ordinance within the period set forth in IC 22-13-2-5.5(2).

ADDITIONAL COMMENTS

Staff recommends adoption of an amended ordinance correcting the above identified issue.